

IH-32

Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Sirius XM Radio Inc.

Plaintiff	Case Number
vs.	New York Index No: 654079/2024
Adeptus Partners, LLC and Lewis Stark	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Soundexchange, Inc,

Plaintiff	Case Number
vs.	24 Civ 5491 (NRB)
Sirius XM Radio Inc,	
Defendant	

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

This case was commenced in the Eastern District of Virginia by Soundexchange. Sirius XM Radio moved to dismiss the complaint for lack of personal jurisdiction or in the alternative transfer the case to the Southern District of New York. By order of the Honorable Patricia Tolliver Giles dated July 15, 2024 the case was transferred to the Southern District of New York. On August 12, 2024 Sirius XM Radio filed and served its answer with counterclaims. Soundexchange was then granted an extension of time to September 17, 2024 to reply to the counterclaims asserted by Sirius XM Radio. The court granted Sirius XM Radio's request to make a motion for judgment on the pleadings pursuant to Federal rule 12(c). On September 12, 2024 the Court granted Soundexchange 2 weeks to file an amended complaint to cure any deficiencies.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In the state court action (later filed case) Sirius XM Radio alleges that Adeptus Partners, LLC and Lewis Stark generally violated what it means to be qualified auditor. Each cause of action contained in the later filed case is premised on an alleged violation of federal copyright regulations under Section 106 of the Copyright Act, 17 U.S.C. § 106. The alleged violations contained in the later filed case and earlier filed case both pertain to the definition of a "Qualified Auditor" under 37 C.F.R. 382.7 and 37 C.F.R. 382.1 and how the royalty examination was performed. These claims are directly related to the claims contained in the counterclaim filed by Sirius XM Radio in the earlier filed case. In both cases the allegations stem from claimed violations of the same November 2021 nondisclosure agreement executed by Sirius XM Radio, Soundexchange and Adeptus Partners, LLC along with similar allegations related to how the royalty examination was performed.

Signature: _____


Date: 9/13/2024

Wilson Elser Moskowitz Edelman & Dicker,
LLP

Firm: _____